

STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD

**DIVISION OF WATER RIGHTS**

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In the Matter of License 9071 (Application 21995)

**Billy Maher**

**ORDER REVOKING LICENSE**

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SOURCE: Union Creek tributary to Hill Slough thence Suisun Slough thence Suisun Bay

COUNTY: Solano County

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**WHEREAS:**

The facts and information upon which the proposed revocation is based are the following:

1. License 9071 (Application 21995) authorizes the direct diversion of water from Union Creek as follows: three (3) cubic feet per second to be diverted from April 1 to October 31 of each year for stockwatering use and irrigation of 296 acres within Solano County Assessor's Parcel Number 0174-190-060.
2. License 9071 (Application 21995) was issued to Foster Lewis Wright on April 9, 1969, and recorded by the County Recorder of Solano County. Ownership of the license was subsequently assigned to Tony Garcia, Jr. on August 28, 1969, thence to Josephine Conn Lee on February 22, 1977, and thence to Billy Maher on January 13, 1996. According to the Solano County Assessor's records, Billy Maher is current owner of the property served by License 9071.
3. On March 11, 1997, Mr. Maher telephoned staff of State Water Resources Control Board (SWRCB) and indicated that he had no idea why a license was issued to him and he had no intention of filling out the triennial Report of Licensee. Completion of the Report of Licensee is required by the terms and conditions of License 9071.
4. On March 15, 2000, Mr. Maher telephoned the SWRCB to complain that he was still receiving the Report of Licensee and that he didn't want to receive it any more. He stated that he was not using water from Union Creek, as authorized by License 9071. SWRCB staff explained that although he had returned the Report of Licensee form for 1996, Mr. Maher had not filled out the form or requested revocation of the water right. Staff mailed Mr. Maher a Revocation Request form with a self-addressed envelope but Mr. Maher never returned a completed Revocation Request.
5. On July 10, 2003, Mr. Maher again contacted SWRCB staff to complain that he is still receiving a Report of Licensee form. He stated that he has never owned a license and is not diverting water from Union Creek for irrigation use. He requested that the SWRCB resolve this matter as requested on three occasions. SWRCB staff informed Mr. Maher that an Order revoking License 9071 could be prepared pursuant to his request.
6. The SWRCB mailed Mr. Maher a Notice of Proposed Revocation of License 9071 dated July 28, 2003 consistent with the requirements of Water Code section 1675.1.

7. By letter dated August 1, 2003, Mr. Maher responded to the notice stating that he never owned License 9071, and that he never irrigated, and does not intend to irrigate, the property he has owned for over twenty years. In this letter, Mr. Maher states his frustration with the process required to revoke a license, but he does not request a hearing to challenge the proposed revocation.

**THEREFORE:**

It is ordered that License 9071 is hereby revoked and cancelled upon the records of the State Water Resources Control Board pursuant to California Water Code section 1675 and the water is declared to be subject to appropriation.

STATE WATER RESOURCES CONTROL BOARD

*Victoria A. Whitney*  
for Division Chief

Dated: **SEP 8 2003**



STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

## License for Diversion and Use of Water

APPLICATION 21995

PERMIT 14709

LICENSE 9071

Notice of Change (Over)

THIS IS TO CERTIFY, That

FOSTER LEWIS WRIGHT  
P. O. BOX 588, MANTECA, CALIFORNIA 95336

HAS made proof as of JULY 30, 1968 (the date of inspection)  
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of  
UNION CREEK IN SOLANO COUNTY

tributary to HILL SLOUGH THENCE SUISUN SLOUGH THENCE SUISUN BAY

for the purpose of IRRIGATION AND STOCKWATERING USES  
under Permit 14709 of the Board and that the right to the use of this water has been perfected in  
accordance with the laws of California, the Regulations of the Board and the permit terms; that the priority of  
this right dates from DECEMBER 3, 1964 and that the amount of water to which this right is  
entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall  
not exceed THREE (3) CUBIC FEET PER SECOND TO BE DIVERTED FROM ABOUT APRIL 1 TO  
ABOUT OCTOBER 31 OF EACH YEAR.

THE EQUIVALENT OF SUCH CONTINUOUS FLOW ALLOWANCE FOR ANY THIRTY-DAY PERIOD  
MAY BE DIVERTED IN A SHORTER TIME IF THERE BE NO INTERFERENCE WITH OTHER VESTED  
RIGHTS.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

NORTH 2,640 FEET AND WEST 3,100 FEET FROM SE CORNER OF SECTION 34, T5N, R1W,  
MDB&M, BEING WITHIN NE1/4 OF SW1/4 OF SAID SECTION 34.

A DESCRIPTION OF LANDS OR THE PLACE WHERE  
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

40 ACRES WITHIN NW1/4 OF NW1/4 OF SECTION 34, T5N, R1W, MDB&M  
30 ACRES WITHIN NE1/4 OF NW1/4 OF SECTION 34, T5N, R1W, MDB&M  
38 ACRES WITHIN SE1/4 OF NW1/4 OF SECTION 34, T5N, R1W, MDB&M  
40 ACRES WITHIN SW1/4 OF NW1/4 OF SECTION 34, T5N, R1W, MDB&M  
40 ACRES WITHIN NW1/4 OF SW1/4 OF SECTION 34, T5N, R1W, MDB&M  
38 ACRES WITHIN NE1/4 OF SW1/4 OF SECTION 34, T5N, R1W, MDB&M  
35 ACRES WITHIN SE1/4 OF SW1/4 OF SECTION 34, T5N, R1W, MDB&M  
35 ACRES WITHIN SW1/4 OF SW1/4 OF SECTION 34, T5N, R1W, MDB&M

296 ACRES TOTAL

8-13-69 RECEIVED NOTICE OF ASSIGNMENT TO Tony Hansen, Jr.  
9-22-91 RECEIVED NOTICE OF ASSIGNMENT TO Psychic Combee

LICENSE 9071 assigned to Billy Maher 1/13/96

Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1621. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: APR 9 1969

STATE WATER RESOURCES CONTROL BOARD

K. L. Woodward  
Chief, Division of Water Rights

STATE BOARD

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